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17
18 IN THE UNITED STATES DISTRICT COURT
19
20 FOR THE DISTRICT OF ARIZONA

21
22 C.M., on her own behalf and on behalf of
23 her minor child, B.M.; L.G., on her own
24 behalf and on behalf of her minor child,
B.G.; M.R., on her own behalf and on
behalf of her minor child, J.R.; O.A., on her
own behalf and on behalf of her minor
child, L.A.; and V.C., on her own behalf
and on behalf of her minor child, G.A.,

25 No. 2:19-CV-05217-SRB

26 **JOINT MOTION FOR ORDER
ENTERING CLAWBACK
AGREEMENT AND ORDER
PURSUANT TO FED. R. EVID.
502(d)**

27 Plaintiffs,

28 v.

United States of America,

Defendant.

The parties jointly move for entry of an order pursuant to Fed. R. Evid. 502(d), lodged together with this motion, to protect the parties against waiver of any privileges, protections, or immunities attaching to documents produced in this action.

The parties anticipate that privileged documents may be produced in this action. Absent an order from the Court, under certain circumstances, production of privileged documents can operate as a waiver of any applicable privilege, protection, and/or immunity with respect to disclosure. Fed. R. Evid. 502(d) provides that “[a] federal court may order that the privilege or protection is not waived by disclosure connected with the litigation pending before the court – in which event the disclosure is also not a waiver in any other federal or state proceeding.” Rule 502(d) is intended to expedite discovery and save costs in matters involving large volumes of documents and ESI, by reducing or eliminating the risk that disclosure will result in waiver of privileges. Fed. R. Evid. 502(d), Advisory Committee Notes (2007). These factors support entry of an order under Fed. R. Evid. 502(d) here.

The parties therefore request that the Court issue the parties' proposed order pursuant to Fed. R. Evid. 502(d).

RESPECTFULLY SUBMITTED this 15th day of July, 2020.

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5 **Admitted pro hac vice*
6 ***Pro hac vice application forthcoming*

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